Section 103 and Claims 87-106

On pages 3-4, the Final Office Action refused to give patentable weight to the recitation "peer-to-peer nodes" in the preamble of claim 87. Inconsistently, however, the Final Office Action did choose to give weight to the preamble recitation of nodes "which perform as content servers and/or clients", in order to support an assertion that the claim covered a network consisting of clients and servers.

The claims rejected in the Final Office Action had explicit "peer node" limitations, not merely in the preamble of claim 87 but also in the body of claim 87 and in the bodies of claims 100, 101, 102, and 105. The claims now presented in this submission include all those "peer node" limitations. In addition, claim 87 has been clarified by removing the admittedly confusing preamble reference to clients and servers, and by clarifying in the body that the node which receives a request is a peer node. Claim 103 has been similarly clarified by removing "client" and inserting "peer".

Accordingly, claims 87-106 as now presented unambiguously require a peer-to-peer network architecture. The distinction between a peer-to-peer network architecture and a client-server network architecture is a distinction well-recognized in the field of computer science. For example, a Google® search on "peer-to-peer versus client-server" identified hundreds of web pages discussing that distinction; *see* Exhibit A. Similarly, a Wikipedia article on "Peer-to-peer" distinguishes between peer-to-peer networks and client-server networks; *see* Exhibit B.

In this context, it would clearly be wrong to reject claims 87-106 under Section 103 relying on Salesky (US 6343313) and Wiser (US 6385596). Claims 87-106 require a peer-to-peer network architecture, which is understood in the computer science art as being clearly different from client-server architectures. Salesky and Wiser are client-server references. Neither Salesky nor Wiser even mentions "peer" nodes. The claims presented here should be allowed.

Section 103 and Claim 86...

The Final Office Action persists in combining Schell (US 6477648) with Wiser (US 6385596), and in asserting that Schell's pre-boot NIC IP register lock teaches the invention's post-boot disk critical section selective write prevention. Applicants respectfully maintain their position, as argued in the Response filed May 14, 2007, that Schell and Wiser were not properly combined and that the combination fails to teach the claimed invention. If necessary, those arguments will be repeated in an appeal brief. The rejection of claim 86 should be withdrawn. Newly presented claims 107-110 depend from claim 86, and they are allowable for at least that reason.

Conclusion

Applicants and Assignee respectfully request allowance of the claims. In the event of any questions, the undersigned invites a telephone call from the Office.
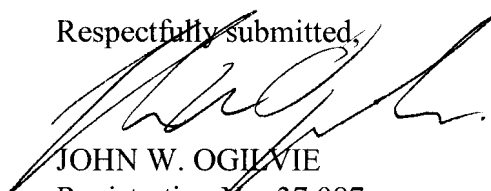
Dated September 4, 2007.

Respectfully submitted,

\pm2-RCEAmend-5045-2-1D

CERTIFICATE OF TRANSMISSION
I hereby certify that this Amendment, RCE Transmittal, and fee are being submitted to the Commissioner for Patents through EFS-WEB, on September 4, 2007.

JOHN W. OGILVIE
Registration No. 37,987
Attorney for Assignee

OGILVIE LAW FIRM
1320 East Laird Avenue
Salt Lake City, Utah 84105
801-706-2546 (voice)
801-583-0393 (fax)